



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TRG  
Docket No: 7447-98  
8 July 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your late father's naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 June 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, the case summary prepared in connection with the Board's review of your late father case in 1950 and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board was unable to obtain your father's service record from the Federal Records Center in St. Louis, Missouri. Therefore, the Board conducted its review based on information extracted from the record at the time of the Board's initial review of your father's case in 1950.

The available records show that your father enlisted in the Naval Reserve on 20 April 1942 at age 21. On 10 January 1943 he was convicted by a summary court-martial of and unauthorized absence of about eight days. On 19 May 1943 he began a period of unauthorized absence which lasted until 18 June 1943. On 30 November 1943 he was convicted by a general court-martial of the foregoing period of unauthorized absence, totaling about 30 days, and missing ship's movement. The court sentenced him to reduction to apprentice seaman, forfeiture of all pay and allowances, confinement at hard labor for four months and a bad conduct discharge. The sentence was suspended for a probationary period of six months and he was restored to duty On 24 January 1944. He violated his probation on 7 February 1944 when he began a period of unauthorized absence which lasted until 25 May 1944, a period of about 108 days. Subsequently, the suspended sentence

was ordered executed. He received the bad conduct discharge on 7 July 1944.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your late father's statement concerning his service in World War II. The Board found that these factors were not sufficient to warrant recharacterization of the bad conduct discharge given the offenses which resulted in the sentence to the bad conduct discharge, and especially his violation of probation with a lengthy period of unauthorized absence. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director